acknowledging means does not produce an acknowledgement of the receipt of a user message by a determined time, and

means, responsive to the production of said indication by said means for measuring time, for forwarding the received user message to the activated secondary mobile station of the recipient.

18. System according to Claim 15, wherein the means for activating a secondary mobile station of the recipient as the receiver of user messages addressed to the primary mobile station comprises means for conducting the activation from the secondary mobile station to be activated.

## REMARKS

Claims 1, 6, 10, and 15 have been amended.

Claims 1 - 18 are in the case.

REJECTIONS:

Claims 1 - 2, 4 - 6, 8 - 13, 15, 17 - 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the PEPE ET AL (US 5,742,905) reference in view of the newly-applied reference THRO ET AL (US 5,884,159). It was contended that PEPE discloses a method for the transmission of user messages by means of various items of messaging equipment, such as a voice mail system 20, an e-mail terminal 22, a fax machine 24, and telephones 26, that are coupled by personal communications internetworking (PCI)) using a message service (SMS server 46) to the mobile station of a service subscriber recipient. The recipient has a primary mobile station (a cellular phone 32) capable of receiving at least voice calls and user messages, e.g., the mobile communications subscriber can receive email, fax pages, and voice messages under a single phone

number while using either a wireless or wireline network (Col. 5, lines 54 - 62 and Fig. 3). PEPE discloses directing user messages addressed to the primary mobile station (32) to any of the secondary mobile stations of the recipient, irrespective of whether the primary mobile station is in use (PDA 30 and pager 34, Fig. 3), and the recipient may have notification of voice mail or fax messages directed to a wireless PDA in the form of e-mail messages. If the recipient's wireless PDA is not turned on or otherwise not in operation, the notification may be routed to an alternate wireless or wireline network (Col. 6, lines 11-19).

It was recognized that PEPE does not teach forwarding of the entire message to the secondary mobile station, so that THRO was offered as disclosing the delivery of unattended user messages to a secondary mobile station (Col. 2, lines 10 - 26), from which combination it was concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PEPE in delivering user messages to a secondary mobile station, in order to retrieve all messages or calls to the user and make sure no message or call is lost or left unattended.

Claims 3, 7, 14, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over PEPE ET AL in view of the reference PEPPER ET AL (US 5,930,700) on the grounds that PEPE fails to disclose that the user messages are generated on the basis of the notification of calendar events, so that PEPPER was cited as disclosing a subscriber's use of the GUI to enter in his daily schedule and his list of clients. The GUI also alerts the subscriber when the service control module 306 communicates with the PDA about new pending messages and to determine if the subscriber wants to accept a given call or forward it on to the voice mail portion of the service control. The database 308 maintains a network copy of the subscriber's daily schedule and client list which are used, along with the subscriber's default profile, to determine which calls to forward directly to the

subscriber at his current location, which calls to forward to the subscriber's voice mail box, and when to let the subscriber decide what to do with a particular call (Cols. 5-6, lines 66 - 68 and 1 - 11, respectively. From this combination of teachings it was concluded that it would have been obvious to modify the notification of calendar events as taught by PEPE with the teaching of PEPPER to achieve the forwarding of user messages to an alternative communication device based on the time or schedule of the user.

In the Response to Arguments section it was concluded that Applicants' arguments with respect to claims 1 - 18 were considered but are moot in view of the new ground(s) of rejection.

REPLY:

To begin with, according to the Examiner, the newly-applied THRO reference teaches the delivery of unattended user messages to a secondary mobile station, as disclosed at Col. 2, lines 10 - 26. However, a close reading of THRO's disclosure evidences critical differences between it and that of Applicants' invention, which differences fail to support the Examiner's conclusion of obviousness based on its combination with the teaching of PEPE.

First of all, in THRO's disclosure a call is made and it is not answered. Then a message is generated. The generated message is transmitted either to the calling person or to a third person, or to their respective devices. It is noted that the process starts with the step: "If the code is an authorized code, a communication service is spawned". It should also be noted that initially the process did not start with a "user" message but rather with a voice call, and the calling person did not leave a message. The message is generated by the system not by a sender or user. Now, consider the last sentence in the paragraph, i.e., "The communication units may transmit and/or receive voice messages and/or data messages."

It is true that THRO uses devices which can be used for voice calls and messages, but beyond that it was the failure of PEPE to teach forwarding of the entire message to the secondary mobile station, that occasioned the citation of THRO for teaching this feature by disclosing the delivery of unattended user messages to a secondary mobile station. Therefore, THRO must be found to teach the provision of an original message created by and containing information from a first user (caller 1) to a second user, which message must then be transmitted in its entirety to a third user in order to support the contention of THRO's applicability to Applicants' invention. THRO cannot be found to do that. THRO does not discuss the forwarding of the original message at all. It is clear that THRO's element 209 creates something, but it is not a "user" message. Rather it is a "system" message, that is, a message created by the system. It was certainly not created by the user or caller 1 who disconnected the call when it was not answered. It is submitted that this "system" message is essentially, and nothing more than, a "notification" message and thus adds nothing of significance to PEPE regarding the patentability of Applicants' invention.

Attention is called to the fact that the Applicants' claims were earlier amended to overcome the perceived confusion on the part of the Examiner regarding the meaning of the term "user messages" recited in Applicants' claims as compared to what constitutes a "notification message", i.e., a notification message indicates the receipt of a user message. One of skill in the art would readily understand that Applicants' invention involves a method and system for handling user messages, which contain information from a sender to a user, as contrasted with a notification message, which informs the user that a user message has been received but does not communicate the information in the message. The independent claims have been further amended herein to include more explicit language to better define and distinguish between a "user message" and a "notification message" in a manner that will be unequivocally

understood by those of skill in the art and which renders all of Applicants' claims clearly patentable over the prior art.

Regarding the separate rejection of dependent Claims 3, 7, 14, and 16 under 35 U.S.C. § 103(a) as unpatentable over PEPE in view of the reference PEPPER, the Examiner noted that Applicants' previous arguments with respect to claims 1 - 18 were considered but were moot in view of the new ground(s) of rejection, so that no specific rebutting response was offered to the arguments concerning these claims. However, other than adding Claim 14, this rejection is essentially the same as the one Applicants earlier traversed. Thus, the previous grounds for traversal have not been properly answered and, if these claims are not allowed in response to the preceding remarks, Applicants are entitled to an explanation of why they were not convincing in a subsequent non-Final Action, to be able to evaluate the merits and course of further prosecution.

To briefly reiterate some of Applicants' arguments regarding the inapplicability of PEPE's teaching to the claimed invention, it was recognized that PEPE's system may provide a subscriber or user with a notification if the primary mobile station is not turned on or otherwise operating, but Applicants emphasized that this "notification" of PEPE would not, as contended by the Examiner, be interpreted broadly by the art as equivalent to Applicants' user message, since it would be seen that PEPE's system needs a "wake-up" message before the notification message will be sent. As evidenced by PEPE at Col. 6, lines 11 to 19, a subscriber may have notifications of a voice mail or fax message receipt directed to a wireless PDA in the form of e-mail messages, and if the wireless PDA is not turned on or otherwise not operating, the notification may be routed to an alternate wireless or wireline network. A notification to the subscriber that a voice mail message was received may be, for example, rerouted to the subscriber's pager, and notification that a fax has been received may be rerouted to the wireline e-mail. Thus, the actual information of interest to

the user is in the voice mail or fax, the "user message", which is the "wake-up" message to originate the sending of the "notification" message. The content of the two messages are clearly not equivalent and would be understood not to be by an artisan interpreting the claim definitions.

An illustration of the essential difference that one of skill would perceive between PEPE's teaching and Applicants' invention, as defined in the claims, will be seen if it is assumed that the "notification message" of PEPE is equivalent to the Applicants' "user message". Then, it would follow that PEPE teaches that the subscriber or user can direct the user messages to a wireless PDA, which is the primary mobile station, NOT a secondary mobile station, and that if the primary mobile station is not operating or receiving, only then would the message be directed to the alternate secondary mobile station. It was noted that PEPE does not disclose or suggest that the subscriber can direct the "user" messages addressed to the primary mobile station to a secondary mobile station irrespective of whether the primary mobile station is operating, clearly because of the content of the message that is contemplated by PEPE. A notification message is only an indication that a user message, containing information from a sender, has been received, so that if the primary mobile station is not operating then the message is sent to another operating station or location to produce the desired notice to a user. The user, upon receipt of such notice, then may seek to access the user message to determine the information therein. In such event, since the user is already notified, retaining the notification message at the primary station would be redundant. However, if the content of the message includes the information for the user to access, then receiving the message at any station, primary or secondary or both, readily provides that information to the user wherever he may wish to retain and access it. Thus, the nature of the message, that is, its content, determines whether it is desirable to receive the message at one or all of the stations. Consequently, the

"notification message" of PEPE is not equivalent to the Applicants' "user message" in view of this distinction. It is submitted that those of skill would appreciate this distinction and understand what is being claimed by Applicants as distinguished from what is taught by PEPE.

Further, as to what those of skill in the art would be led to understand from PEPE's teaching with respect to what is defined in Applicants' claims, particularly as now amended, firstly, the skilled artisan would readily understand that Applicants' invention involves a method and system for handling user messages, i.e., messages which contain information from a sender to a recipient, as contrasted with a notification, which informs the recipient that a user message has been received but does not communicate the information in the message that has been received. The form of the notification, i.e., whether it is in text, symbol, or code format does not alter the fact that it does not contain the sender information for the recipient which constitutes a "user" message.

It is noted that PEPE's notification can be rerouted (Col. 6, lines 11 to 19) to any of the recipient's devices, but PEPE does not teach that this rerouting includes the user message per se, i.e., with the information content. It will be seen that in accordance with Applicants' invention and as defined in the claims, such user messages, addressed to a recipient's primary mobile station, can be directed or rerouted to any one of the secondary mobile stations of the recipient, e.g., cellular phones, pagers, or PDAs, that can receive such messages with their information content. Hence, the system of PEPE only describes and teaches the art that a notification, not the user message per se, is sent to another device if the primary device is not operating, and the skilled artisan would clearly appreciate the difference between what is meant by a notification as distinguished from a user message in the defined context.

All of Applicants' independent claims 1, 6, 10, and 15 define that the primary mobile station and the secondary mobile station are capable of receiving the same kind of messages, i.e., "user messages, containing information from a sender", not merely, and irrespective of the receipt of, notifications of messages. A notification of a message, whether in the form of text or otherwise, would be understood by the art to constitute an indication that a message has been received, and would not be taken as meaning that the notification itself constituted the message per se with its information content. Also, the user message of Applicants' invention is "free-form", i.e., senders can write anything they want, include attachments, etc., while the notification message of PEPE always depends on the actual "wake-up" message, i.e., it informs of the type of message, sender, perhaps time of arrival, etc., but not the information therein. It is therefore submitted that all of Applicants' claims now patentably define over the teaching of PEPE taken alone or in any combination with the prior art.

Further, given the failures detailed above in the teaching of PEPE, there is nothing in the teachings of the THRO and PEPPER reference that in any manner can supply features which in combination with PEPE could render Applicants' invention obvious as claimed.

Based on the significant differences delineated above (and dealt with at length in the prior responses to Office Actions in this case) between Applicants' invention, as now particularly defined in the claims, and the teaching of PEPE, taken alone or with that of THRO and PEPPER, it is submitted that the cited art fails to render any of the Claims 1 - 18, as now submitted, unpatentable under 35 U.S.C. § 103(a) so that they all should be allowed.

In summary, then, it is believed that this application is now in complete conformance with the requirements of the statutes and the claims are patentably distinguishable over the prior art, so that a

prompt reconsideration and allowance of all of the claims and passage to issue of this application is earnestly solicited and respectfully requested.

Corrected formal drawings to replace the informal drawings filed with the application will be submitted upon allowance.

In the event that any additional fee is required for the entry and consideration of this response, it is authorized and requested that such fee be deducted from Deposit Account No. 16-1350, and the Amendment be timely entered.

Respectfully submitted,

Thomas P. Dowd

January 20, 2003

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CERTIFICATE OF MAILING

I hereby certify that the attached Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Non-Fee Amendment, Washington, DC 20231.

Deanna Murphy

1/23/03

Name of Person Making Deposit

Date

Marked-up Claims

1. (Amended) Method using a message service for the transmission of user messages, containing information from a sender, [using a message service] to the mobile station of a recipient, who has a primary mobile station capable of receiving at least voice calls and user messages, and at least one secondary mobile station, capable of receiving at least user messages, comprising the step of directing user messages addressed to the primary mobile station to any of the secondary mobile stations of the recipient, irrespective of whether the primary mobile station is in use and whether notification messages indicating the receipt of user messages are used.

6. (Amended) System for the transmission of user messages, containing information from a sender, to a recipient, who has a primary mobile station comprising at least means for receiving voice calls and means for receiving user messages, and at least one secondary mobile station comprising at least means for receiving user messages, wherein the improvement comprises:

means for activating a secondary mobile station of the recipient to receive user messages addressed to the primary mobile station, and

means for directing user messages addressed to the primary mobile station to the activated secondary mobile station irrespective of whether the primary mobile station is in use and whether notification messages indicating the receipt of user messages are used.

10. (Amended) Method using a message service for the transmission of user messages, containing information from a

sender, [using a message service] to a recipient having a primary mobile station, capable of receiving at least voice calls and user messages, and at least one secondary mobile station, capable of receiving at least user messages, comprising the steps of:

transmitting user messages addressed to the primary mobile station; and

activating at least one of said secondary mobile stations to receive said user messages addressed to the primary mobile station irrespective of whether the primary mobile station is in use and whether notification messages indicating the receipt of user messages are used.

15. (Amended) System for the transmission of user messages, containing information from a sender, to a recipient having a primary mobile station, comprising at least means for receiving voice calls and means for receiving user messages, and at least one secondary mobile station, comprising at least means for receiving user messages, wherein the improvement comprises:

means for activating a secondary mobile station of the recipient to receive user messages addressed to the primary mobile station, and

means for directing user messages addressed to the primary mobile station to the activated secondary mobile station irrespective of whether the primary mobile station is in use and whether notification messages indicating the receipt of user messages are used.